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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,085	05/02/2001	Daryl Carvis Cromer	RPS920000109US1	7195

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

9

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/847,085

Applicant(s)

CROMER ET AL.

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-7, 9-12, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Golding et al.

3. As per claim 1, Golding et al. discloses a method in a data processing system for maintaining security during booting of the data processing system(see col. 2, lines 18-27), during a boot process, interrogating a boot device for password information(see col. 5, lines 5-11); and in response to the boot device supplying password information corresponding to that of a trusted boot device, booting the data processing system utilizing the boot device(see col. 5, lines 18-26).

4. As per claim 3, Golding et al. discloses wherein interrogating the boot device for password information includes startup software interrogating the boot device(see col. 5, lines 5-11).

5. As per claim 4, Golding et al. discloses wherein interrogating the boot devices for password information includes interrogating a plurality of boot devices in sequence according to a priority order until a boot device supplies password information corresponding to that of a trusted boot device(see col. 3, lines 39-51, col. 5, lines 18-26, 33-38).

6. As per claim 5, Golding et al. discloses storing a password in non-volatile storage of the data processing system(see col. 2, lines 42-45, col. 4, lines 21-22; and determining that the boot

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device has supplied password information corresponding to a trusted boot device(see col. 5, lines 18-26) by hashing(i.e. masking) password information supplied by the boot device and comparing the hashed password information with the stored password(see col. 4, lines 25-40).

7. As per claim 6, Golding et al. discloses obtaining the password by interrogating the boot device for the password information with a password-protected configuration routine(see col. 5, lines 5-11, 18-26).

8. As per claim 7, it is rejected under the same basis as claim 1(see above). Also, Golding et al. discloses a memory coupled to the processor for communication(see col. 3, lines 26-35), memory includes startup software(see col. 3, lines 38-44).

9. As per claim 9, it is rejected under the same basis as claim 4.

10. As per claim 10, limitations have already been addressed(see claim 5).

11. As per claim 11, Golding et al. discloses the startup software including a password protected configuration routine that obtains the password by interrogating the boot device for the password information(see col. 5, lines 5-11).

12. As per claim 12, it is rejected under the same basis as claim 1. Further, claim 12, discloses wherein the startup software causes a data processing system to interrogate the boot device(see col. 3, lines 38-46).

13. As per claim 14, limitations have already been addressed(see claims 3-4).

14. As per claim 15, limitations have already been addressed(see claim 5).

15. As per claim 16, limitations have already been addressed(see claim 3 and 6).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2, 8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golding et al. in view of Parzych et al.

18. As per claims 2, and 8, 13, Golding does not disclose, wherein the password information includes at least a serial number of a device; however, Parzych does disclose password information includes at least a serial number of a device(see col. 4, lines 32-46). It would have been obvious to one of ordinary skill in the art to include password information includes at least a serial number of a device of Parzych et al. in Golding, because, if a user forgets the password the user can contact the manufacturer in order to obtain password(see col. 4, lines 35-38).

19. Claims 17-19 are objected to as being dependent on reject base claims. However, if re-written in independent form would be allowable. The claims are objected to for the following limitation, booting the data processing system utilizing the boot device without entry of any of the password information corresponding to that of a trusted boot device by a human user. Prior art, discloses that in order to boot the computer a password must be entered in order to boot. Also, in order to change the order of a boot device, the user must enter the password first. This is in contrast, to the limitation above.

**Response to Amendment**

20. The Applicant states that Golding nor Parzych does not disclose startup software that, when executed by the processor during a boot process, interrogates the boot device for password information, and responsive to the boot device supplying password information corresponding to that of a trusted boot device, boots the data processing system utilizing the boot device. Golding discloses interrogates the boot device for password information, because the password is stored on the diskette or fixed disk(see col. 5, lines 50-68, col. 6, lines 1-67). The user enters the password and the boot device, is allowed to boot, but the corresponding password is stored on the boot device itself. Therefore, this limitation is met by Golding.

***Final Action***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



August 5, 2004

  
EMMANUEL L. MOISE  
PRIMARY EXAMINER  
A/4 2136